

BUREAU OF MINING REGULATION AND RECLAMATION

The Bureau of Mining Regulation and Reclamation (BMR&R), in cooperation with other state, federal and local agencies, regulates mining activities in Nevada. The bureau is composed of three technical branches: regulation, closure and reclamation. The Bureau is supported by program-generated fees.

The Regulation branch operates under regulations adopted in 1989 as a result of cooperative efforts among the state regulatory agencies, the mining industry and environmental interests. Like the Bureau of Water Pollution Control, the regulation branch has responsibility for protecting waters of the state under the Water Pollution Control Law. The branch focuses on preventing discharges associated with mining activities. The only exceptions to oversight by the regulation branch of the BMR&R are the mining and processing of: sand and gravel, cinders, diatomaceous earth, slate, shale, gypsum, clay or crushed stone.

The Regulation branch consists of the permitting and inspection sections. Nevada is considered a leader in the environmental regulation of mining, and our regulatory programs have been emulated by other states and nations. Pursuant to the regulations, the permitting section reviews the engineering aspects of the applications and issues water pollution control permits to ensure that the quality of the state's water resources is not impacted by mining activity. Regular inspections during the life of the facility confirm that operations are in compliance with permit specifications and that no releases have occurred.

The Closure branch reviews mining closure plans to ensure that all process components will be left chemically stable and that contamination issues are satisfactorily addressed.

The Reclamation branch operates under the Nevada Reclamation Law of 1989. All relevant disturbances of five acres or more, active on or after October 1, 1990, on both public and private lands, must have reclamation plans and must file surety to cover the possible cost of reclaiming the site to productive post-mining use. ("Relevant" disturbances are all disturbances except those involving sand and gravel, cinders, slate, shale or crushed stone.) The program is retroactive for disturbances created after January 1, 1981; however, land disturbances created before October 1, 1990, and no longer active as of that date may not be required to post a bond.

Since most of the land in Nevada is managed by the federal government, the reclamation branch works cooperatively through a memorandum of understanding with the Forest Service, within the United States Department of Agriculture, and with the Bureau of Land Management, within the United States Department of the Interior. The state's regulations were designed to complement those of the federal government. If an operation is on federal land, the bond is generally held by the appropriate federal agency; if the operation is on private land, the bond is held by the state. The state reviews the bonds it holds every three years to ensure that the bond amount will still cover expected reclamation costs.

The reclamation law also requires that up to \$100,000/year from collected fees be given to the state Bureau of Mines and Geology for research.

The primary goals of the Reclamation branch are: the safety of the public, the physical stability of mining components and the return of disturbed land to a productive post-mining use.

In summary, the Bureau of Mining Regulation and Reclamation works with industry and the public to ensure that mining operations in the state, from design through reclamation, do not negatively impact the environment and that the land will be returned to a productive post-mining use.

Statutory Authority: NRS 445A.300- NRS 445A.730 (regulation branch)
NRS 519A.010- NRS 519A.290 (reclamation branch)

Employees: 18 FTE

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Southern Nevada Office: None

REGULATORY FUNCTIONS

Individual Permits

A. Mining Water Pollution Control Permit

Authority: NAC 445A.350-NAC 445A.447

When

Required: Prior to the construction of any mining, milling or other beneficiation process activity that uses water of any source or quality that is biologically, chemically or physically altered because of this use. The application must be submitted at least 165 days prior to the anticipated construction date.

**Approximate
Time to**

Obtain: 180 days

**Duration of
Permit:**

5 years

Fees: Application, annual and renewal fees apply. See NAC 445A.232, 445A.394 and 445A.418.

Information

Required: Prior to submitting an application, the prospective applicant must meet with division representatives to discuss location, operating plans and general characteristics of the facility. A bureau-supplied application must be completed and submitted to the BMR&R. The application, in addition to basic ownership and facility information, must include meteorological information, a complete description of the proposed activity and the production rate in tons of ore per year. The application must be accompanied by required supporting documents on the design, construction, operation and closure of operations. Documentation of notice to the local board of county commissioners is also required.

Public Notice: Yes. Public review period of 30 days.

Reporting

Required: Monitoring is required on a process and site-specific basis. Reporting is required quarterly.

Comments: This permit is a water pollution control permit. The need for this permit is not dependent on whether or not a discharge is intended. Facilities utilizing hazardous chemicals for processing of ores are generally required to meet a zero discharge standard of performance. A separate permit may be issued for various activities at a specific facility, or a permit may be issued for all activities at a facility. This permit does not apply to facilities involved solely in the mining and processing of sand and gravel, cinders, diatomaceous earth, slate, shale, gypsum, clay or crushed stone. All local, state and federal laws and regulations must be complied with, including reporting requirements and permit requirements for activities that are not regulated by this bureau; e.g., air emissions, release reporting.

B. Mining Reclamation Permit

Authority: NAC 519A.010- NAC 519A.415

When

Required: Prior to initiation of any exploration or mining project which proposes surface disturbances greater than 5 acres.

**Approximate
Time to**

Obtain: 3 months.

**Duration of
Permit:**

Until all reclamation activities have been completed.

Fees: Application and annual fees apply. See NAC 519A.120, 519A.125, 519A.135, 519A.140, 519.235, with NAC 519A.225 being the fees for reclamation.

Information

Required: In addition to basic ownership and location information, the following is requested by the bureau-supplied application: a complete plan for reclamation; the estimate of the cost of executing the plan for reclamation; a statement that the applicant agrees to assume responsibility for the reclamation of any surface area affected by his exploration or mining operation; a map depicting the area to be covered by the surety. Surety must be filed with the division or a federal land management agency to ensure that reclamation will be completed on privately owned and federal land.

Public Notice: 30 days; a public hearing on the draft permit will be scheduled by the division if it is requested by an affected party and if the division deems the request reasonable.

Reporting

Required: Not applicable. (Surety will be reviewed by the bureau every three years.)

Comments: Exploration activities and other mining activities must be permitted. Processing of sand and gravel, cinders, slate, shale and crushed stone are excluded. The program is retroactive for disturbances created after January 1, 1981. Those created before October 1, 1990, but no longer active as of that date, may not have to post a bond.

Surety may be a trust fund, bond, irrevocable letter of credit, insurance, corporate guarantee or a combination of these mechanisms deemed appropriate by the division. Large companies may obtain a state corporate guarantee for 75% of the value of the bond.

Pursuant to regulations, the Division of Minerals administers a bond pool that guarantees up to one million dollars of reclamation activities for small companies that have been refused help by commercial sources. The state reviews the bonds it holds every three years. All local, state and federal laws and regulations must be complied with.

General Permit, Inclusion In

A. Permit to Construct and Actively Manage Mining Operation Bioremediation Facility

Authority: NRS 445.223
NAC 445.2437

When

Required: Before treating contaminated soil. Examples of impacted solids that might be treated are: soils contaminated with releases or spills of hydrocarbons; hydrocarbon-contaminated material from sumps in maintenance buildings; hydrocarbon-contaminated material from vehicular wash areas; and solids from oil/water separators. This activity is regulated by a general permit **numbered GNV041995**.

**Approximate
Time to**

Obtain: 2 weeks

**Duration of
Permit:**

Life of mine

Fees: Application, annual review and service fees apply. See NAC 445A.268.

Information

Required: Basic facility information must be supplied on a bureau-generated form. Within 30 days of the construction of the cell, the applicant must submit as-built documents and a report demonstrating that the cell has been built according to specification. A professional engineer must prepare the report if the cell has a soil liner.

Public Notice: Not required for inclusion

Reporting

Required: Semi-annual reports are required. Monitoring on a monthly basis is required of a number of parameters, including the following: volume of contaminated material added, the identity of the area of origin, average temperatures and precipitation, the identification of materials added to enhance bioremediation and the volume of material removed. Sampling and analysis of materials for total petroleum hydrocarbons (EPA Method 8015) are also required semi-annually from each cell.

Comments:

The remediation facility must be included in a new reclamation permit or added as a modification to an existing reclamation permit. **The general permit for this activity is numbered GNV041995** A sample of the material to be treated must be analyzed initially for metals (TCLP, EPA Method 1311) as requested by the bureau. A sample of the end product must be analyzed for total petroleum hydrocarbons as requested by the bureau. Permit may not be transferred without written approval of the bureau.

MINING FEES AND AUTHORITIES

FEE DESCRIPTION: Water Pollution Control NPDES Discharge Permit Fee/Schedule

NRS AUTHORITY: 445A.430 NAC AUTHORITY: 445A.232

CITATIONS: Fees (By NAC, last amended September 1999. Note petition 1999-02, LCB File No. R-018-99 amends those fees relating to mining activities)

DISCUSSION:

NAC 445A.232 in section 1 contains a fee schedule for original permit, renewal and annual review and services for a various source categories (domestic waste water, manufacturing, power plants, mine dewatering, water treatment plants, storm water and miscellaneous discharges. **(Table 6A)** Fees are based upon flow volumes or acreage of facility (storm water only). Section 2 has a special provision for wastewater used in irrigation with the fee at 75 percent of domestic wastewater fees. The annual fees must be submitted by July 1. For those fees **relating to mining a two tiered structure exists**. The existing table 6A is effective until July 1, 2001 and table 6B becomes effective on July 1, 2001. These fees were not affected by Environmental Commission's petition 2000-03 LCB File R-206-99 as adopted on December 16, 1999. The two tables listed below only represent those fees utilized by the Bureau of Mining Regulation and Reclamation. This includes fees for mine dewatering and water pollution control fees for mining operations. For a complete listing of water pollution control fees please refer to the Bureau of Water Pollution Control's section of this guide at NAC 445B.232.

Table 6A - Effective to July 1, 2001

NAC 445B.232 Water Pollution Discharge Permit Fee Schedules

| Type of Discharge Permitted | Application Fee for Original Permit | Application Fee for Renewal of Permit | Fee for Annual Review and Services |
|--|-------------------------------------|---------------------------------------|------------------------------------|
| DEWATERING OF A MINE DISCHARGING TO GROUNDWATER | | | |
| Cooling water only | \$ 625 | \$ 315 | \$ 1,000 |
| Less than 50,000 gallons of process water daily | \$ 625 | \$ 315 | \$ 1,500 |

| Type of Discharge Permitted | Application Fee for Original Permit | Application Fee for Renewal of Permit | Fee for Annual Review and Services |
|---|--|--|---|
| 50,000 gallons or more but less than 1,000,000 gallons of process water daily | \$ 875 | \$ 440 | \$ 2,000 |
| 1,000,000 or more but less than 5,000,000 gallons of process water daily | \$ 1,000 | \$ 500 | \$ 2,500 |
| 5,000,000 gallons or more of process water daily | \$ 1,250 | \$ 625 | \$ 3,000 |
| MINING | | | |
| Discharging washwater where chemicals are not added for metallurgical recovery | \$ 500 | \$ 500 | \$ 250 |
| Chemically processing less than 18,250 tons per year or a pilot or testing facility | \$ 500 | \$ 500 | \$ 250 |
| Chemically processing 18,250 tons per year or more but less than 36,500 tons per year | \$ 1,500 | \$ 1,500 | \$ 1,000 |
| Chemically processing 36,500 tons per year or more but less than 100,000 tons per year | \$ 4,000 | \$ 4,000 | \$ 2,000 |
| Chemically processing 100,000 tons per year or more but less than 500,000 tons per year | \$ 6,000 | \$ 6,000 | \$ 4,000 |
| Chemically processing 500,000 tons per year or more but less than 1,000,000 tons per year | \$ 10,000 | \$ 10,000 | \$ 6,000 |

| Type of Discharge Permitted | Application Fee for Original Permit | Application Fee for Renewal of Permit | Fee for Annual Review and Services |
|---|--|--|---|
| Chemically processing 1,000,000 tons per year but less than 2,000,000 tons per year | \$ 14,000 | \$ 14,000 | \$ 10,000 |
| Chemically processing 2,000,000 tons per year or more | \$ 20,000 | \$ 20,000 | \$ 16,000 |
| Monitoring of closed facilities | \$ 250 | \$ 250 | \$ 500 |

end of fees as of July 1, 2001

Table 6D - Fees unaffected by petition 2000-03 R-206-99; Effective on July 1, 2001

NAC 445B.232 Water Pollution Discharge Permit Fee Schedules

| Type of Discharge Permitted | Application Fee for Original Permit | Application Fee for Renewal of Permit | Fee for Annual Review and Services |
|---|--|--|---|
| DEWATERING OF A MINE | | | |
| Cooling water only | \$ 625 | \$ 315 | \$ 1,000 |
| Less than 50,000 gallons of process water daily | \$ 625 | \$ 315 | \$ 1,500 |
| 50,000 gallons or more but less than 1,000,000 gallons of process water daily | \$ 875 | \$ 440 | \$ 2,000 |
| 1,000,000 or more but less than 5,000,000 gallons of process water daily | \$ 1,000 | \$ 500 | \$ 2,500 |
| 5,000,000 gallons or more of process water daily | \$ 1,250 | \$ 625 | \$ 3,000 |

| Type of Discharge Permitted | Application Fee for Original Permit | Application Fee for Renewal of Permit | Fee for Annual Review and Services |
|---|--|--|---|
| MINING | | | |
| Discharging washwater where chemicals are not added for metallurgical recovery | \$ 500 | \$ 500 | \$ 250 |
| Chemically processing less than 18,250 tons per year or a pilot or testing facility | \$ 500 | \$ 500 | \$ 250 |
| Chemically processing 18,250 tons per year or more but less than 36,500 tons per year | \$ 1,500 | \$ 1,500 | \$ 2,000 |
| Chemically processing 36,500 tons per year or more but less than 100,000 tons per year | \$ 4,000 | \$ 4,000 | \$ 4,000 |
| Chemically processing 100,000 tons per year or more but less than 500,000 tons per year | \$ 6,000 | \$ 6,000 | \$ 8,000 |
| Chemically processing 500,000 tons per year or more but less than 1,000,000 tons per year | \$ 10,000 | \$ 10,000 | \$ 10,000 |
| Chemically processing 1,000,000 tons per year but less than 2,000,000 tons per year | \$ 14,000 | \$ 14,000 | \$ 14,000 |
| Chemically processing 2,000,000 tons per year or more | \$ 20,000 | \$ 20,000 | \$ 20,000 |
| Monitoring of closed facilities | \$ 250 | \$ 250 | \$ 500 |

end of fees beginning July 1, 2001

FEE DESCRIPTION: Water Pollution Control Discharge General Permit Fees

NRS AUTHORITY: 445A.430 NAC AUTHORITY: 445A.268

CITATIONS: Application for permit; request to be included in permit; fees. (By NAC, last amended October 1993)

DISCUSSION:

NAC 445A.268 provides fees for general water pollution control discharge permit. The non refundable fee of \$ 200 is for the initial application and \$ 200 annual fee due each July 1st.

FEE DESCRIPTION: Mining Facilities Water Discharge Permit Application Fee

NRS AUTHORITY: 445A.430 NAC AUTHORITY: 445A.394

CITATIONS: Application for permit: Submission: contents. (By NAC, see Schedule 11 for applicable fees)

DISCUSSION:

NAC 445A.394 establishes the fees to construct, operate and permanently close a mining facility for the purposes of a water pollution control discharge permit as those fees defined in NAC 445A.232. See SCHEDULE 11 for applicable fees for this citation. These fees have two parts; table 6A expires on July 1, 2001 and table 6B is effective July 1, 2001.

FEE DESCRIPTION: Mining Facilities Water Discharge Permit Modification Fee

NRS AUTHORITY: 445A.430 NAC AUTHORITY: 445A.418

CITATIONS: Fee for modification of permit (By NAC, last amended October 1997, also see schedule 11 for related fees)

DISCUSSION:

NAC 445A.481 establishes a fee for minor modifications of a mining water discharge permit at 1/2 the amount of renewal fee for the permit up to a maximum of \$ 5,000. Major modification of the permit is equal to the amount of renewal fee for the permit. A fee for modifications described in NAC 445A.4155 is \$ 500.

FEE DESCRIPTION: Mining Facilities Permit Fees Referenced

NRS AUTHORITY: 519A.260 NAC AUTHORITY: 519A.120

CITATIONS: Time when obtaining of permit and payment of fees required (NAC, last amended September 1990, see schedule 35 for applicable fees)

DISCUSSION:

NAC 519A.120 establishes fees for mining exploration projects or mining operations. The actual fees are defined in NAC 519A.225 for existing facilities. This citation refers to mining activity occurring prior to October 1, 1993.

FEE DESCRIPTION: Mining Exploration Fees Referenced

NRS AUTHORITY: 519A.260 NAC AUTHORITY: 519A.125

CITATIONS: Permits for exploration projects: Application (By NAC, last amended September 1991, see schedule 35 for applicable fees)

DISCUSSION:

NAC 519A.125 refers to new mining exploration projects. The citation references to fees in NAC 519A.225 for an exploration permit.

FEE DESCRIPTION: Mining Exploration Interim Permit Referenced

NRS AUTHORITY: 519A.260 NAC AUTHORITY: 519A.135

CITATIONS: Interim permits for exploration projects: Prerequisites; effect; duration. (By NAC, last amended September 1990, see schedule 35 for applicable fees)

DISCUSSION:

NAC 519A.135 refers to fees required in NAC 519A.225 for an interim mining exploration permit.

FEE DESCRIPTION: Mining Operation Fees Referenced

NRS AUTHORITY: 519A.260 NAC AUTHORITY: 519A.140

CITATIONS: Permits for mining operations: Application (By NAC, last amended September 1991, see schedule 35 for applicable fees)

DISCUSSION:

NAC 519A.140 refers to fees required in NAC 519A.225 for permits relating to mining operations.

FEE DESCRIPTION: Mining Operation & Exploration Permit Application Fees

NRS AUTHORITY: 519A.260 NAC AUTHORITY: 519A.225

CITATIONS: Fees for application for permit. (By NAC, last amended September 1990)

DISCUSSION:

NAC 519A.225 establishes the fee structure for mining operation and exploration permits. Both mining operation and exploration permit fees are \$ 1.50 per acre for public lands affected and \$ 2.50 per acre for private lands subject to reclamation.

FEE DESCRIPTION: Mining Operation & Exploration Annual Fee Schedule

NRS AUTHORITY: 519A.260 NAC AUTHORITY: 519A.235

CITATIONS: Annual submission of fees for services by division. (By NAC, last amended September 1990)

DISCUSSION:

NAC 519A.235 establishes the annual fees for services by the Division of Environmental Protection for mining exploration and operations. The regulations provide for an annual fee due by April 15 of each year. The schedule sets a \$ 100 annual fee for active exploration sites. The schedule continues for on mining operations. Fees are based on the acreage affected. The fee is \$ 500 for less than 200 acres; \$ 1,000 for more than 200 acres but less than 500 acres; \$ 1,500 for more than 500 acres but less than 1,000 acres; and \$ 2,000 for more than 1,000 acres.

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